IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 14th day of June, 2004
1st Crl. Misc. Bail Application No. 490 of 2004

Order on the Bail Application:

CRIMINAL SIDE

Surendra @ Raddi
S/o Sri Raja Ram,
R/o Village Sikandarpur Mawal,
P.S. Mangalore, District Haridwar.

…… Applicant

Versus

State of Uttaranchal …… Opposite Party

Arising out of Case Crime No. 275 of 2003
Under Sections: 304-B, 201 I.P.C.
Police Station: Manglaur
District: Haridwar.

Hon'ble P.C. Verma, A.C.J.

Heard Mr. S.P.S. Panwar, learned counsel for the applicant and Mr. A. Rab, learned Additional Government Advocate.

The applicant is facing prosecution for the offence punishable under sections 304-B and 201 I.P.C. in case crime No. 275 of 2003 at Police Station Manglaur, District Haridwar.

In the F.I.R. dated 4.11.2003, it has been clearly mentioned that the accused used to harass the deceased by demanding money and she was also subjected to cruelty. On account of fear of death, the deceased stopped her father from saying anything to her husband in this regard. Section 304-B I.P.C. provides that if the death of women is caused by any burns on bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called

“dowry death”, and such husband or relative shall be deemed to have caused her death.

In view of the facts stated in the F.I.R. and in the light of the provision of Section 304-B I.P.C., in my opinion, ingredients of Section 304-B I.P.C. are fulfilled. Therefore, it is not a fit case to release the applicant on bail.

Accordingly, the bail application is rejected.

(P.C. Verma, A.C.J.)

Dt. 14.06.2004
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